

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7314 of 2005

Between:

Mandapaka Katam Swamy S/o Veerraju
R/o Molleru Mallavaram, Gangavaram Mandal, East Godavari District

..... PETITIONER

AND

- 1 The Additional Agent to Government East Godavari District,
Ramapachodavaram and Project Officer, I.T.D.A. Rampachodavaram East
Godavari district
- 2 The Special Deputy Collector (Tribal Welfare Ramachandravara, East Godavari
District
- 3 The Special Deputy Tahasildar (Tribal Welfare) Gangavaram, East Godavari
district
- 4 The Mandal Revenue Officer, Gangavaram East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the illegal, arbitrary and violative of Art. 21 of the Constitution of India and the action of the 1st respondent in not granting stay of the order of the 2nd respondent in LT. R.P. No. 220 of 2003 dt 3-2-2004 in spite of the statutory appeal filed by the petitioner i.e. CMA No. of 2005 dated 23-3-2005 against the order of the 2nd respondent in LT RP: NO. 220 of 2003 dated 3-2-2004 and it is further consequentially prayed that Hon'ble Court may be pleased to suspend the operation of the orders in LTR P No. 220 of 2003 dt 3-2-2004 on the file of the 2nd respondent pending disposal of the CMA No. of 2004 dated 23-3-2005 on the file of the 1st respondent.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in not granting stay of the orders passed by the 2nd respondent in L.T.R.P No.220 of 2003, dated 3.2.2004 in spite of the statutory appeal filed by the petitioner in C.M.A.No.-- of 2005, dated 23.3.2005 against the order, dated 3.2.2004 of the 2nd respondent as illegal and arbitrary.

The case of the petitioner is that against the order of the 2nd respondent in L.T.R.P.No.220 of 2003, he has already preferred an appeal before the 1st respondent-Additional Agent to Government, East Godavari District at Rampachodavaram along with an application for stay. However, the first respondent has not considered the said application so far and in the meantime, the 4th respondent is taking steps to evict him from the land in question.

Having regard to the facts and circumstances of the case, I am of the view that it is necessary in the interest of justice to protect the rights of the petitioner pending the statutory appeal.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal preferred by the petitioner against the order dated 3.2.2004 in L.T.R.P.No.220 of 2003 as

expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Pending the appeal, the order in L.T.R.P.No.220 of 2003 passed by the 2nd respondent shall remain suspended. No costs.

(K.C. BHANU, J.)

5th April, 2005

bcj

To

- 1 The Additional Agent to Government East Godavari District, Ramapachodavaram and Project Officer, I.T.D.A. Rampachodavaram East Godavari district
- 2 The Special Deputy Collector (Tribal Welfare Ramachandravara, East Godavari District
- 3 The Special Deputy Tahasildar (Tribal Welfare) Gangavaram, East godavari district
- 4 The Mandal Revenue Officer, Gangavaram East Godavari District
- 5 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT)
- 6 Two C.D. copies